

REMARKS

Claims 14-34 are currently pending in the subject application, and are presently under consideration. Claims 14, 20 and 21 were amended herein to place the subject invention in condition for allowance. A clean version of all pending claims is found at pages 2-4. A marked version of the amended claims is found at page 8. Favorable reconsideration of the application is requested in view of the amendments and comments herein.

I. Rejection of Claims 14-17, 20 Under 35 U.S.C. §103(a)

Claims 14-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable by Petteruti, *et al.* (US 5,335,170) in view of Tracy, *et al.* (US 5,979,757). Withdrawal of this rejection is respectfully requested for at least the following reasons. Claim 14 has been amended herein to recite the display having a horizontal configuration that is configurable according to a left handed user's hand and right handed user's hand. Neither Petteruti, *et al.* nor Tracy, *et al.* alone or in combination disclose configuring a hand-held scanner display in this manner such as to accommodate scanner operations for both left and right handed users as recited in amended claim 14.

In the Office Action dated December 14, 2001, the Examiner cites that Tracy, *et al.* discloses left handed and right handed configuration, wherein *no* such configuration is disclosed. With respect to the display, Tracy, *et al.* *only* discloses a portrait and landscape display (See Col. 5, lines 12-24 with respect to the two-handed display of Fig. 2). Moreover, the two-handed display disclosed in Tracy, *et al.* having adjustments for portrait and landscape displays is not relevant to how a single-handed device would be viewed and therefore operated from the left or the right hand perspective. Assuming *arguendo* that the display disclosed in Tracy, *et al.* were combined with the scanner in Petteruti, *et al.*, configuration for left handed and right handed users would not be possible since neither reference alone nor in combination teach a horizontal display being configured as recited in amended claim 14. In view of the above, it is respectfully requested that the rejection of claim 14 and claims 14-17, 20 which depend therefrom be withdrawn.

II. Rejection of Claims 21-24, 28-29, 32-34 Under 35 U.S.C. §103(a)

Claims 21-24, 28-29, 32-34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Petteruti, *et al.* in view of Tracy, *et al.* Withdrawal of this rejection is respectfully requested for at least the following reasons. Claim 21 has been amended herein to recite extending the handle from

the bottom surface of the body *at* the first distal end to increase a viewing angle of the display. Petteruti, *et al.* teaches a scanner base unit that is slidable into a handle adapter. This configuration positions the handle in a central location under the base unit and is therefore configured away from the first distal end (See Fig. 2A). This configuration causes the display or viewing angle to be more difficult to observe from the user's hand than the arrangement of claim 21. Therefore, Petteruti, *et al.* does not teach or suggest the claimed configuration that provides the advantage of an increased viewing angle by configuring the handle at the first distal end as recited in amended claim 21.

In the Office Action dated December 14, 2001, the Examiner cites that it would be possible to increase the viewing angle in Petteruti, *et al.* by *moving the hand*. Hand movements are mitigated by the present invention of amended claim 21. For example, an operator who operates a scanner may scan hundreds or thousands of items daily. If they have to move their hand each time they desire to view the display more clearly, such as would be required in a scanner according to Petteruti, *et al.*, increased inefficiency would result (*e.g.*, more time wasted in operation of device) and result in less utility (*e.g.*, overall be more cumbersome or difficult to operate device by constantly moving device closer to properly view display). In contrast, in a hand-held scanner according to claim 21, the handle extends from the bottom surface of the scanner at the first distal end, thereby increasing the viewing angle of the display - so as to mitigate hand movements. In view of this, it is respectfully submitted that the rejection of claim 21 and claims 22-24, 28-29, and 32-34 that depend therefrom be withdrawn.

III. Rejection of Claims 18-19, 25-27, 30-31 Under 35 U.S.C. §103(a)

Claims 18-19, 25-27, 30-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Petteruti, *et al.* as modified by Tracy, *et al.* and in further view of Reynolds, *et al.* (US 5,828,052). Reynolds, *et al.* does not make up for the aforementioned deficiencies of Petteruti, *et al.* and Tracy, *et al.* with respect to amended claim 14 from which claims 18-19 depend, and in further respect to claim 21 from which claims 25-27 and 30-31 depend. Therefore, it is respectfully submitted that this rejection should be withdrawn.

IV. Conclusion

The present application is believed to be condition for allowance in view of the above remarks-a prompt action to such end is earnestly solicited.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

In the event any fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Gary J. Pitzer', is written over a horizontal line.

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MARKED UP VERSION OF AMENDED CLAIMS

14. (Twice Amended) A hand-held optical scanning device, comprising:
a body including an upper surface having a display mounted thereof;
a handle that extends from a bottom surface of the body, the display having a horizontal configuration being configurable according to a left handed user's hand and a right handed user's hand.
20. (Twice Amended) The hand-held optical scanning device of claim 14, the display is configurable to adapt to a user's preference, the user's preference including at least one of the [a] horizontal configuration and a vertical configuration[, the horizontal configuration is configurable for at least one of a left handed and a right handed user].
21. (Twice Amended) A hand-held optical scanning device, comprising:
a body having an optical scanning module arranged to scan objects in a direction outward from a first distal end, the body including an upper surface having a display mounted thereof;
a handle that extends from a bottom surface of the body at [near] the first distal end to increase a viewing angle of the display, the handle being joined to the body to cause a proximal end of a bottom surface of the body to rest on a radial surface of a user's hand.